Nova Scotia Human Rights Commission
Annual Accountability Report for the Fiscal Year 2010-2011

July 29, 2011

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Accountability Statement

The accountability report of the Nova Scotia Human Rights Commission (NSHRC) for the year ending March 31, 2011 is prepared pursuant to the *Finance Act* and government policies and guidelines. These authorities require the reporting of outcomes against the NSHRC's Statement of Mandate information for the fiscal year 2010-2011. The reporting of outcomes necessarily includes estimates, judgments and opinions by NSHRC management.

We acknowledge that this accountability report is the responsibility of NSHRC management. The report is, to the extent possible, a complete and accurate representation of outcomes relative to the goals and priorities set out in the NSHRC's Statement of Mandate for the year.

Hon. Ross Landry
Minister Responsible for the *Human Rights Act*

Karen A. Fitzner
A/Director and CEO

Message From the Director and CEO

I am pleased to share with you the Accountability Report of the NSHRC for 2010-2011. This report provides a summary of the NSHRC's accomplishments in fulfilling its commitments under the 2010-2011Statement of Mandate.

As the lead agency for human rights in Nova Scotia, the NSHRC strives towards excellence in promoting and protecting human rights in this province. Our desire for continuous improvement led to a year filled with stakeholder consultations. Hundreds of Nova Scotians have engaged with the NSHRC in the past 12 months. This dialogue has helped us better understand the needs of Nova Scotians, and focused our attention on ways to improve our programs and services.

The year 2010-2011 marked the second full year of the NSHRC's three year strategic plan. As anticipated, the six goals identified as part of the plan have proven to be well chosen. These goals thread nicely into our daily work, and provide staff and Commissioners with a road map for where we want to be as an organization. They capture the breadth of our challenge, but articulate that challenge in a way that feels, and is, achievable.

There have been many accomplishments and challenges over the past fiscal year and these are highlighted in this report. Of particular note, the mediation program was significantly expanded to provide Nova Scotians with more, and earlier, opportunities to resolve human rights disputes. As well, Board of Inquiry costs have been significantly reduced, human rights training has increased, employers have responded positively to the Employment Equity Partnership initiative and process improvement is underway at the inquiry, intake and investigation stages of the dispute resolution process. All of these accomplishments support the strategic goals of the NSHRC.

My sincere thanks go to the staff, management and Commissioners for their commitment and hard work to ensure the best possible service to the public throughout this period.

We encourage you to review this report and learn more about the work of the NSHRC by exploring our website at www.gov.ns.ca/humanrights. We also welcome any suggestions or feedback you have on this report or more generally on the NSHRC's work.

Sincerely,

Karen A. Fitzner
A/Director and CEO

I. Introduction

This document reports on the goals, priorities and performance measures identified in the NSHRC's 2010 -2011 Statement of Mandate. The Statement of Mandate is available on the NSHRC's website at http://gov.ns.ca/humanrights/pubs.

Throughout the year, the NSHRC maintained a diverse staff and continued its commitment to a positive and professional working environment. The NSHRC has a staff complement of 24 people working in three regions of the province: Halifax, Sydney, and Digby. There are three management positions, all located in the Halifax office.

It is important to note that there were a number of challenges and events that shaped the work of the NSHRC during the fiscal year. These included: changes in NSHRC programs, budget challenges.

Major Program Changes

A review of the mediation program was completed and significant changes were made. Improvements include a new Settlement Initiatives policy, comprehensive mediation training for Human Rights Officers, and the development of a new mediation model. A review of the inquiry, intake and investigation processes was also initiated to improve resolution time lines.

Budget

The NSHRC had success in meeting its budget targets during 2010-2011 due to a reduction in Board of Inquiry hearings and staff absences. A Board of Inquiry is the final stage in the processing of a human rights complaint and a Board of Inquiry (that is, a hearing process) is run by an independent, appointed Board of Inquiry Chair. The NSHRC pays all of the costs of the Board of Inquiry including room rental, transcription costs, travel expenses, and per diem fee for the Board of Inquiry Chair. The NSHRC has no control over the length and complexity of the process as this is within the control of the independent Board of Inquiry Chair. In this sense, it has no control over this budget expenditure although it is able to reduce the costs by, for example, renting cost effective space for the hearings.

The NSHRC's actual expenditures were 1,867.50 whereas the authority was $2,200,000. There was a noted success in cost recovery in the amount of $24,300 for the fiscal year. Most cost recovery was achieved through training fees.

II. Progress and Accomplishments

In its 2010-2011 Statement of Mandate, the NSHRC established six strategic goals under three new priorities. What follows are highlights of the major initiatives undertaken to achieve the priorities set by the NSHRC in support of these goals. The performance measures for the three priorities are reported in Section IV.

The six strategic goals are:

Strategic Goal 1. Continue to promote a workplace that is dynamic, embraces differences and fosters continuous learning.

- The NSHRC has conducted two legal update sessions with staff and managers to facilitate a consistent interpretation of the Act with the *UN Convention of the Rights of Persons with Disabilities*. An accountability assessment tool was also created to document the internal processes compliance with the Convention.

- An extensive new Commissioner training manual has been developed and implemented for new Commissioners of the NSHRC.

- All NSHRC staff received customized mediation training as part of improvements to the mediation program.

Strategic Goal 2. Provide fair, easily accessible and cost effective services that are in accordance with the Nova Scotia *Human Rights Act.*

- A new Settlement Initiatives policy was implemented to improve mediation services at the NSHRC. Human Rights Officers received extensive training in mediation, and they now offer early resolution of complaints.

- A record number of staff (25%) participated in french language training during the fiscal year. As well, capacity was created to provide french language mediation services, and a bilingual inquiry officer was recruited.

- A new digital audio recording system for Boards of Inquiry has been investigated and assessed. Use of the new system will both reduce the cost of using contract transcription services and improve the quality of the recording for the Boards of Inquiry.

Strategic Goal 3. Engage with racially visible people, women, Aboriginal people and persons with disabilities, to ensure their realities are reflected and celebrated in the work of the NSHRC.

- The NSHRC remains actively involved in promoting human rights awareness across the province by hosting and co-hosting various initiatives to raise public awareness on human rights. This year we celebrated our 3rd annual symposium in collaboration with the Disabled Persons Commission and the Collaborative Partnership Network to recognize the International Day for Persons with Disabilities (December 3rd). International Human Rights Day (December 10) was held in the historic black community of North Preston and attracted over 600 participants. NSHRC also recognized and celebrated the International Day for the Elimination of Racial Discrimination (March 21) in Halifax.

- A consultation committee was created to provide the NSHRC with input from past complainants and respondents. This group met bi-monthly throughout 2010-2011 and has already provided valuable feedback and advice.

Strategic Goal 4. Strengthen existing partnerships while collaborating with organizations which share similar values to reduce systemic discrimination, and strengthen the ability of individuals and communities to address issues of discrimination.

- The NSHRC's role in the Kaiser Settlement Agreement was completed. A report was prepared for Executive Council. The Mental Health Peer Legal Advocates (MHPLA) Steering Committee oversaw the finalization of the MHPLA Resource Manual and Training Manual. The Committee had representation from IWK, Legal Information Society of Nova Scotia, Dalhousie School of Nursing, law professor Archie Kaiser, Canadian Mental Health Association, Nova Scotia Division and the NSHRC.

- Through its Employment Equity Partnership initiative, the NSHRC partnered with the Capital District Health Authority to offer expertise on the development of its first employment equity plan.

- The NSHRC forged a new working relationship with Nova Scotia Correctional Services to raise awareness of human rights in the workplace and trained over 70 senior managers.

- The Employment Equity Partnership initiative continues to build momentum with employers. The aim of the NSHRC is to create a tool kit for employers which addresses human rights in the workplace.

- The NSHRC, the Disabled Person's Commission and the Collaborative Partnership Network continue to maintain a strategic partnership and hosted the third annual symposium for inclusion in education and employment which was held on December 1st and 2nd 2010. This event also included a focus on disability in the African Nova Scotian and Refugee communities.

Strategic Goal 5. Advise and assist the government of Nova Scotia in its goal of achieving equitable access to opportunities and services for every individual.

- The NSHRC continues to be a active participant at the Public Service Commission's Diversity Roundtable to share expertise on human rights issues.

- The NSHRC reported on its French Language Services Plan to the Office of Acadian Affairs.

Strategic Goal 6. Ensure people in all communities of Nova Scotia are engaged in meaningful discussion on human rights issues and diversity, to improve the lives of all Nova Scotians.

- The NSHRC co-hosted information sessions with various organizations such as the Office of African Nova Scotian Affairs to raise public awareness on human rights and its impact on their communities.

III. Financial Results

N.S. Human Rights Commission		
	2010-2011 Estimate ($ thousands)	2010-2011 Actual ($ thousands)
Gross Program Expense	2,200	1,867.5
Salaries and Employee Benefits	1,861.6	1,591.6
Funded Staff (FTEs)	24.8	21.2

IV. Performance Measures

The measures in this report come from the NSHRC's 2010-2011Statement of Mandate. The NSHRC has six strategic goals which are already listed on pages 6, 7 and 8 and were grouped under three priorities.

These priorities are as follows:

1. Access to a fair and effective process
2. Better informed public about indicators and impact of discrimination
3. Access to a fair and effective process (cost effective)

Priority #1

Outcome: Access to a fair and effective process

Measures:

a) Average time to finalize a case at the intake stage after receipt of an Intake Questionnaire.

b) Average time to finalize an investigation.

c) Average time to finalize a settlement initiative (mediation) from the point of referral to final approval of an agreement.

d) Average time to complete settlement follow-up on a case (training, policy work, etc.).
e) Percentage of Boards of Inquiry that are resolved after appointment of the Board of Inquiry and prior to the Board's decision being rendered.
f) Average time (months) to resolve the complaint (settled or adjudicated) after referral to a Board of Inquiry.

What do these measures tell us?

a) For the public to have confidence in the NSHRC's ability to resolve human rights disputes, the organization must be able to respond as quickly as possible when allegations are brought forward.

b) In many cases, time is of the essence. Although investigations must be thorough, they must also be timely so that the outcomes hold value for both the complainant and the respondent.

c) When mediation is a viable option for resolving a dispute, it is important to quickly seize the opportunity. This measure reflects the NSHRC's ability to respond in a timely way to its clients.

d) Implementing the settlement follow up (e.g. human rights education training for employers resulting from settlement agreement) efficiently and effectively within 11months of receipt of request, provides closure for parties and aids in preventing further cases of discrimination.

e) Calculating the number of complaints that are resolved after a referral to a Board of Inquiry will indicate settlement efficiency. The most effective resolutions occur where the parties provide input into the solution and control the outcome.

f) Calculating the average time to settle a complaint after referral to a Board of Inquiry allows a more refined measure of efficiency in achieving resolution.

Where are we now?

a) For much of the fiscal year, the intake unit functioned with only 1/3 to 2/3 of its staffing complement. This affected productivity. Fortunately, a review of the intake process has identified a redesign which, once implemented can reduce the intake process from the current 8 months to approximately one month.

b) It took an average of 22 months to investigate a complaint. This reflects the time-intensive approach currently in use which is now under review.

c) It took on average 4 months to finalize a settlement initiative from point of referral.

d) The performance target to do settlement follow-up in 11 months in 2010-2011 was met.

e) The NSHRC has reduced the number of matters heard by a Board of Inquiry by engaging in more aggressive settlement processes. As a result, there was a 78% settlement rate of the files referred to a Board of Inquiry this fiscal year. There were no new Boards of Inquiry heard in 2010-2011.

f) The average time to settle a Board of Inquiry from the date of appointment of a Board of Inquiry was 11 months.

Where do we want to be in the future?

a) The intake redesign is expected to be implemented in January 2012. Once in place, the intake function will be streamlined, and the amount of time a file remains at intake should be reduced to one month or less.

b) In January 2012, a new approach to investigating complaints will be adopted by the Commission. This will result in complaint investigations being completed within 8 months of being filed. Complaints already in the system in January 2012 will be given priority. As Human Rights Officers continue to implement the new Settlement Initiatives policy, mediation will happen more frequently as well as earlier in the process. Settlements should be achieved in less than 4 months by January 2012.

c) The NSHRC will continue to create efficiencies in follow-up of settlements by empowering employers to use the Race Relations, Equity and Inclusion Division, as a resource for providing human rights education in their workplace.

d) The NSHRC will continue to settle most of the complaints that are referred to a Board of Inquiry.

e) The average time to settle a complaint will continue to decrease as the older files in the system are resolved.

Priority #2:

Outcome: Better informed public about indicators and impact of discrimination

Measures: a) Percentage of training and consultation requests accepted.

b) Increase the number of sustainable strategic partners.

What do these measures tell us?

a) Increases in training and consultation requests directly result in more members of the public being informed about the impacts of discrimination and raises awareness which can bring about changes in attitudes.

b) The increase in number of sustainable strategic partners was used as a measure to determine whether the public was better informed about the impact of discrimination and how to eliminate barriers in their communities.

Where are we now?

a) The NSHRC is receiving more requests for voluntary human rights education and training for employers and community organizations. The evaluations from our client's demonstrated 85% satisfaction with the training received from the NSHRC. The NSHRC continues to respond to the increased voluntary requests for our public education (workshops, conference presentations, information sessions, display booths, etc.).

b) The NSHRC is committed to promoting and protecting human rights through collaboration with strategic partners. During this fiscal year the NSHRC partnered with several organizations to raise public awareness about human rights. Organizations such as the Disabled Person's Commission and Collaborative Partnership Network have contributed significantly to NSHRC's vision of strategic partnership. The NSHRC continues to develop working relationships with Nova Scotia's major employers, providing consultation and advice through special projects and the Employment Equity Partnership initiative. There have been some challenges which stem from differing organizational cultures and sub-cultures but these challenges have set us on a path of continuous learning.

Where do we want to be in the future?

a) The NSHRC will continue to build capacity among diverse groups of people delivering customized workshops and education sessions with a human rights theme.

b) The NSHRC will further develop the Employment Equity Partnership Project, and provide a toolkit for employers to support human rights in the workplace. It will also provide information for employers to increase their knowledge of the impact of systemic discrimination and the barriers to employment equity.

Priority #3:

Outcome: Access to a fair and effective process (cost effective)
Measures: a) Reduction in average costs per mediation case.
b) Reduction in average costs per day of Boards of Inquiry.

What do these measures tell us?

a) Creating cost-effective mediation services allows for a better allocation of resources to other areas of the NSHRC. Efficient expenditure of financial resources allows more parties to benefit.

b) The measure for costs is average cost per day of a Board of Inquiry since it is a variable that can be controlled by the NSHRC. For example, costs of recording services and rooms for the inquiries are possible to control. The overall length of the inquiry and therefore its overall cost, however, cannot be dictated by the NSHRC.

Where are we now?

a) Human Rights Officers now also mediate disputes, and this is helping to reduce the cost per settlement. Currently only the most complex files are referred for mediation to external roster mediators. This is helping to ensure costs are appropriately managed. The fact that Human Rights Officers currently mediate disputes has made it difficult to quantify average costs per resolution.

b) The NSHRC has gained cost savings by reducing the number of matters heard by a Board of Inquiry by engaging in more aggressive settlement processes. As a result, for example, there was a 78% settlement rate of the files referred to a Board of Inquiry this fiscal year. There were no new public Boards of Inquiry heard in 2010-2011, although there have been mediated settlements.

The NSHRC also researched and implemented oral recording systems for Board of Inquiry hearings. These replace the more expensive transcription services previously used. In this regard, the Workers Compensation Board has offered their facilities and oral recording services at no cost. Therefore, most of the inquiries in HRM can be held here.

Where do we want to be in the future?

a) The new Settlement Initiatives policy will continue to be implemented. While it may be difficult to predict future cost savings, it is certain that costs will continue to be well managed.

b) NSHRC will continue to settle a high number of cases thereby reducing the number of Boards of Inquiry.

This accountability report provides a very brief overview of the work of the Nova Scotia Human Rights Commission. More information about our work is available by visiting our website at www.gov.ns.ca/humanrights. Comments and feedback are also welcome. We can be reached by phone toll-free at 1-877-269-7699, and by e-mail at hrinquiries@gov.ns.ca.